

REMARKS

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include reference no. 48 and the reference numerals are rough and of poor quality. The drawings have been amended to include reference no. 48. The reference numerals have also been typed.

2. Claims 1, 2, 4-25, 29 and 30 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph. In response, claims 1, 4-11, 14-19, 21-25, 29 and 30 have been amended to remove the improper antecedent basis. Claim 2, 12, 13 and 20 have been cancelled.

3. Claims 1, 2, 4-14 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Australian Patent No. 732,999 (“Cassar”).

Claims 2, 12, and 13 have been cancelled. Applicant therefore respectfully request the rejection of these claims be withdrawn.

A claimed invention is unpatentable if the differences between it and the prior art are “such that the subject matter as a whole would have been obvious at the time the invention was made to a person of ordinary skill in the art.” 35 U.S.C. §103(a); *Alza Corporation v. Mylan Laboratories, Inc.*, 464 F.3d 1286, 1288 (Fed. Cir. 2006) (citing *In re Kahn*, 441 F.3d 977, 985 (Fed. Cir. 2006) and *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 13-14 (1966)). “Most inventions arise from a combination of old elements and each element may often be found in the prior art. However, mere identification in the prior art of each element is insufficient to defeat the patentability of the combined subject matter as a whole.” *In re Kahn*, 441 F.3d 977 (Fed. Cir. 2006), citing *In re Rouffet*, 149 F.3d 1350 (Fed. Cir. 1998) “Such a combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results.” *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1734 (U.S. 2007) (quoting *Graham*, 383 U.S. at 15). The analysis should be made explicit. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead,

there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d at 988

Amended claim 1 recites a fitting for attaching a louvre to a hanger, which fitting includes, *inter alia*, clip means which permit the fitting to be clipped to the leaves of a louvre in use and voile attachment means for attaching a voile in use.

Amended claim 30 recites a fitting for attaching a louvre to a hanger, which fitting includes, *inter alia*, integrally formed clip means for clipping the two parts together to retain a louvre in use. This amendment is based on the description at page 3, lines 15-17 and in claim 21.

Cassar does not disclose or suggest a one piece plastic molded fitting with an integrally molded hinge as is recited in claims 1 and 30. Rather, Cassar discloses a collar 24 for a blade 6 comprising two panels 28, 30 connected by a center fold line 26. According to Cassar, the collar 24 is preferably made of the same material as the blade 6, namely a PVC-coated polyester fabric (see page 5, lines 14-18).

Cassar also does not disclose or suggest clip means for clipping the two panels 28, 30 to a blade 6 in use, integral or otherwise. Cassar discloses that a collar 24 is mounted over the top edge 10 of a blade 6 with the two panels 28, 30 merely overlying respective faces of the blade 6. As seen from Fig. 5, the suspension loop 8 on the top edge 10 of the blade 6 passes through an opening 32 in the collar 24. The purpose of the two panels 28, 30 is to provide strips 34, 36 of fastening material for fastening a curtain, e.g. in the manner shown in Fig. 6. However the two panels 28, 30 do not support the blade 6 in any way.

The present invention stems from a realization that when a common fitting is supporting both a louvre and a voile, it is advantageous for the fitting to clip to the louvre so as to help support the louvre between the two leaves of the fitting and have the load of the voile directly borne by the fitting (as opposed to attaching the voile to the louvre, which is then supported by the fitting). The clip fitting strengthens and reinforces the top region of the louvre where attachment to a hanger can act to concentrate stresses and potentially tear the louvre. Furthermore, installation of the fitting is quick and easy as it is merely a matter of clipping it on to the louvre.

There is nothing within Cassar that would motivate the skilled person to modify the collar 24 of Cassar into the fitting recited in claims 1 or 30. One of the advantages of the present fitting is that it can accommodate the additional weight of a voile without negatively affecting the louvre (see pg. 1 of present specification). The claimed aspects of the present fitting and the advantages provided therewith, are not predictable in view of the cited prior art.

For at least the reasons provided, applicant respectfully submits that the fitting recited in claims 1, 4-11, 14 and 30 are not unpatentable in view of Cassar, and respectfully request that the rejection be withdrawn and the aforesaid patents be passed onto allowance.

4. Claims 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar in view of U.S. Patent No. 5,123,471 (“Ford”).

Claim 20 has been cancelled. Applicant respectfully requests the rejection of claim 20 be withdrawn. Claims 15-19 depend from claim 1. Applicant respectfully directs the Examiner to the remarks above indicating that claim 1 is patentable over the cited prior art. For at least those reasons, applicant respectfully submits that claims 15-19 are patentable.

In addition, the fitting of claims 15-19 recite a fitting having an arrangement of elements that advantageously can be hidden when assembled.

For at least these reasons, applicants respectfully submit that claims 15-19 are patentable over and not obvious in view of the combination of Cassar and Ford. Applicants respectfully request the rejection be withdrawn.

5. Claims 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cassar in view of U.S. Patent No. 6,289,563 (“Watkins”).

Claims 21-24 depend from claim 1. For at least the reasons provided above, Applicant respectfully submits that the fitting of claims 21-24 is patentable over Cassar in view of Watkins.

Claim 1 recites a fitting for attaching a louvre to a hanger that includes, *inter alia*, clip means for clipping the leaves to a louvre in use. Claim 21 further recites that the clip

means are integrally formed. Claim 22, which depends from claim 1, further recites posts operable to extend through openings in a louvre to support the louvre. Claim 23 provides that the posts are circular, and claim 24 recites that the fitting comprises two posts.

The present specification clearly distinguishes between clip means, which clips one leaf of the fitting to the louvre and/or to the other leaf (e.g., clips 38, 40), and posts which extend through openings in a louvre from one side to another but which do not clip or attach to both leaves (e.g. posts 36).

Watkins shows a supporting post 12 passing through a louvre but fails to disclose clip means for clipping together the two flaps 10A, 10B. Instead, Watkins teaches that each flap 10A, 10B is attached to the adjacent face of the louvre by adhesive pads 20A, 20B. The flaps 10A, 10B are not clipped to one another. Moreover the skilled person would have no motivation to replace the adhesive pads 20A, 20B with clips as the latter would require corresponding cut-outs to be formed in the louvre, whereas the purpose of the adhesive mounting is to repair a tear or break in the louvre.

Furthermore the repair kit taught by Watkins is just that-a member designed to cover a tear in a louvre, and does not provide means for attaching a voile. Thus the skilled person would not even consider the repair kit taught by Watkins to be suitable for a fitting of the type taught by Cassar. Even if the two documents are combined, the feature of a clip means is still missing.

Claim 25 has been amended to recite that the posts are integrally formed on at least one of the leaves, e.g. as described at page 3, lines 28-30 and as shown in the Figs. Both Cassar and Watkins fail to disclose a fitting comprising a plurality of integrally formed posts for extending through corresponding openings in a louvre to support the louvre in use. Watkins teaches only that a separate fastener 12 can be pushed through the two flaps 10A, 10B and the louvre, to help support the weight of the louvre.

For at least these reasons, applicant respectfully submits that claims 21-25 are patentable over and not predictable in view of the combination of Cassar and Watkins.

In addition, Watkins also does not disclose or suggest clip means for clipping together the two parts of a fitting. On the contrary, Watkins teaches that the flaps 10A, 10B are each adhesively mounted to the adjacent face of the louvre, the purpose of the adhesive material being to prevent the louvre from tearing (col. 3, lines 59-62).

The effect of a fitting having integrally formed clip means for clipping together its two parts is that the fitting can be very quickly and easily attached to a louvre. No additional fixings are required. The clipping together of the two parts helps to support the louvre between the two pans and to ensure that the weight of the louvre is evenly transmitted via the fitting to a hanger. Furthermore, it is possible for the leaves to clip around the louvre without necessarily requiring any openings in the louvre at all. Such an arrangement and its advantages are simply not predictable in view of either Cassar or Watkins, or the combination thereof.

For at least these reasons, applicants respectfully submit that claims 21-25 are patentable over and not obvious over Cassar in view of Watkins. Applicant therefore respectfully requests the rejection be withdrawn and claims 21-25 be passed onto allowance.

6. Claim 29 is rejected under 35 U.S.C. 102(b) as being anticipated by Cassar.

The classic test for anticipation, under 35 U.S.C. §102, requires that every limitation in a claim must be present in a single source reference for that reference to "anticipate" the claimed invention.

Claim 29 recites a voile for attachment to a hanging fitting, that includes releasable fastener means provided at spaced locations along its upper edge which fasten opposed section of voile together. As can be seen from Fig. 6, the curtain 2 has a half of a continuous strip 62 of hook and loop fastener (or the like) along its top edge which allows it to be fastened to the fittings. The strip 62 does not fasten any opposed section of curtain to one another; rather only the curtain to the fittings. Claim 29 is therefore not anticipated by Cassar.

Furthermore, the strip 62 cannot fasten together opposed section of curtain as it comprises the hook part of a hook and loop system such as Velcro and thus cannot fasten to itself. The strip 62 can only be used to fasten the curtain 2 to the loop material provided by the strips 54, 56 on the fitting.

As is described in the present application at page 6, lines 21-22, fasteners which are provided at spaced apart locations can be used to advantageously fasten together opposed sections of voile between the louvres to prevent the voile from gaping, see

e.g. fasteners 64 shown in Fig. 6. There is simply no disclosure in Cassar to provide such fasteners.

For at least these reasons, applicants respectfully submit that claim 29 is not anticipated by Cassar. Applicants respectfully request the rejection be withdrawn and claim 29 be passed onto allowance.

As applicants have traversed the objection and rejections raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1, 4-11, 14-19, 21-25, and 29-31, and pass the present application on to issuance. In the event the Examiner has a question regarding the present application, or would like to discuss the application, the undersigned attorney invites the Examiner to call at his convenience.

Please charge our Deposit Account No. 50-3381 for the one-month extension of time fee, as well as an additional fee that may be due in the present application.

Respectfully submitted,

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